

Remarks

Applicant has amended his claims to better distinguish his invention over the cited references. Applicant's Claim 1 now requires separate chest and abdominal flaps that include an electrical resistance heating element.

Claims 1 to 7, 9, 11, and 20 were rejected under 35 U.S.C. 102(b) as anticipated over Nazerian. Applicant notes that the Examiner discusses Claims 12, 14, 15, 16, 18 and 19 in his comments on this rejection and Applicant presumes that the Examiner intended to include them within this rejection.

The rejection relies particularly on Figure 5 and column 4, lines 27 to 37. Figure 5 shows a device for heating the back. However, there is only a single left and right flap which are joined together to cover the chest. Applicant's Claim 1 requires a second pair of flaps for covering the abdomen as well.

Applicant's Claim 1 further requires his claimed rewarmers to enclose the circumference of the chest and the abdomen. There is no disclosure in Nazerian to indicate that his device does this. In Figure 5 in Nazerian, the flaps are short and appear to cover only the back and part of the sides of the chest, leaving the abdomen and the rest of the circumference of the chest exposed. Applicant's claims require the entire circumference of both the chest and abdomen to be enclosed.

Nazerian's device is for providing a patient with heat treatment without restricting his ability to move (column 1, lines 52 to 55). Nazerian's device is for treating a patient who is healthy enough to move about and is not suffering from an emergency condition

that requires the temperature of his torso to be raised immediately. For example, Nazerian suggests that heat treatment is useful for "infections, muscular ache and different deceases (sic), such as fibromyalgia and rheumatism.." (Column 1, lines 10 to 12). In his space 8, Nazerian provides a liquid, such as water (column 3, lines 49 to 50), which is heated up and distributes the heat uniformly. A significant amount of time is required to heat water. The slow heating of his device is not a concern to Nazerian, however, because his device is not designed for use in an emergency situation, so there is no need to have the patient's torso warmed quickly.

Applicant's device, on the other hand, is not for providing heat treatment to someone who is healthy enough to move about, but rather is for treating a person who has been exposed to cold weather and is suffering from hypothermia and will die if he is not warmed quickly. For that reason, it is essential to have flaps that completely enclose the torso, including both the chest and abdomen.

Applicant's Claims 7 and 20 require the flexible material to include a flap that lies under the person's buttocks, is attached to the central portion, and includes the electrical resistance heating element for warming the buttocks. While Nazerian says that his embodiment in Figure 5 is "attached around the lower part of the back portion, i.e. the small of the back" there is no disclosure that the buttocks is included.

Applicant's Claim 14 depends from Claim 1 and includes all of the limitations of Claim 1 discussed hereinabove.

Applicant's Claim 15 covers the embodiment shown in Figure 4. Nazerian does

not show any device comparable to that shown in Figure 4, where the left side of the chest is exposed for attachment of a defibulator. Nazerian has no need to attach a defibulator to the patient as the patient is not in an emergency condition where his heart may have stopped beating.

Applicant's Claim 18 is similar to Claim 1.

Claims 1 to 18 and 20 were rejected under 35 U.S.C. 103(a) as obvious over Nazerian in view of Bickford. Nazerian has been discussed hereinabove and it would not be obvious to modify Nazerian's device to fall within the scope of Applicant's claims because Nazerian is simply providing heat treatment, not rescuing a person who is critical as Applicant's device does. Thus, there is no need for Nazerian to modify his device to completely enclose both the chest and the abdomen. In fact, doing so would restrict the freedom of movement of the patient and one of the objects of Nazerian's device is to provide heat treatment "without restricting the freedom of movement of the patient." (Column 1, lines 52 to 55).

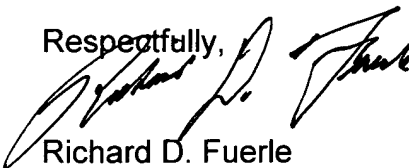
Bickford has been cited to show a converter switch for converting AC to DC but otherwise is not relevant.

Claims 1 to 18 and 20 were rejected under 35 U.S.C. 103(a) as obvious over Nazerian in view of Hariu. Nazerian has been discussed. Hariu has been cited to show a "device for heating the upper torso including the head and neck (Fig. 1-4)." Hariu's device, like Nazerian's device, is for heating a person who is not in an emergency condition, such "respiratory ailments, such as the common cold," (column 1, lines 32 to

34). Note that Hariu's devise "is in the form of a slip-over vest" (column 2, line 24). A person who is suffering from hypothermia, and perhaps spinal injuries, cannot be easily positioned so that a vest can be slipped over him without risking further injuries. That is why Applicant's rewarmer does not have openings for inserting arms or legs and requires flaps that go around the chest and abdomen, rather than a vest that slips over the head as in Hariu. Also, Hariu's device leaves the sides open (column 2, lines 24 to 25) and does not completely enclose the chest and abdomen of the person as Applicant's rewarmer does.

All of the claims are now believed to be allowable over the references cited and reconsideration and allowance of all of the claims are therefore requested. The Examiner is invited to call Applicant's attorney at (716) 774-0091 to resolve any remaining problems.

Respectfully,



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